

REMARKS

The May 25, 2007 Communication was based on Claims 19-22, 24-30, and 33. This amendment amends Claim 22. Thus, after entry of this amendment, Claims 19-22, 24-30, and 33 are pending and presented for further consideration.

In the May 25, 2007 Communication, the Examiner objected to the specification as failing to specifically detail any arguments as to how the objection (reference 37 CFR 1.111) to the specification (not providing antecedent basis for a clip having two jaws rotatable about one axis and having a linear bearing, or the force-parallelism being as a result of a parallelogram hinge or a linear bearing) was overcome, and additionally failed to point out what was agreed to concerning these points in the interview which might have overcome these objections.

In light of the following arguments, reconsideration of the pending claims, as amended, is respectfully requested.

OBJECTION TO THE SPECIFICATION UNDER 37 CFR 1.111

The Examiner objected to the specification under 37 CFR 1.111 as failing to provide proper antecedent basis for the claimed subject matter. Specifically, the Examiner alleges that the specification does not provide antecedent basis for a clip having jaws rotatably disposed about a (as in one) hinge, wherein the clip opens and closes with force parallelism and where the parallelism is maintained by a parallelogram hinge, or by a linear bearing.

Support for jaws providing force parallelism after being rotated about a plurality of hinges can be found in Figures 9A, 9B, and 9C and the supporting text on page 21 line 4 through page 22 line 6, wherein the jaws 12 of clip 10 are rotated about a plurality of hinges prior to being closed along a telescoping, locking linear bearing. Such rotation about a hinge could be applied around one or both of the jaws 12 of clip 10. Further support for the force parallelism can be found in Figures 10A and 10B along with the description in the specification (page 22, lines 7 through 33 and page 23, lines 1 through 7. In this embodiment, a single hinge 18 controls the jaws 12 but the pads 16 are of uneven thickness or hardness which provides approximately even force distribution on the tissue but with less complexity than the other clip 10 embodiments.

In view of this clarification, the Applicants respectfully request withdrawal of the objection to the specification under 37 CFR 1.111.

AUTHORIZATION OF ASSIGNEE

Jay A. Lenker, CEO, an officer of Damage Control Technologies, Inc, which is the assignee of U.S. Patent Application No. 10/663,038 authorizes an inventor, Jay A. Lenker, to respond to the outstanding Office Action.

CONCLUSION

Although amendments have been made, no acquiescence or estoppel is or should be implied thereby. Rather, the amendments are made only to expedite prosecution of the present application, and without prejudice to presentation or assertion, in the future, of claims on the subject matter affected thereby. Furthermore, any arguments in support of patentability and based on a portion of a claim should not be taken as founding patentability solely on the portion in question; rather, it is the combination of features or acts recited in a claim which distinguishes it over the prior art.

Applicants have endeavored to address all of the Examiner's concerns as expressed in the outstanding Office Action. In view of the foregoing, the present application is believed to be in condition for allowance, and such allowance is respectfully requested.

If further issues remain to be resolved, the Examiner is cordially invited to contact the undersigned such that any remaining issues may be promptly resolved.

Respectfully submitted,

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